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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,408	07/24/2003	Alfred Trzmiel	P7109.0US	1072
30008	7590	07/02/2004	EXAMINER	
GUDRUN E. HUCKETT DRAUDT LONSSTR. 53 WUPPERTAL, 42289 GERMANY			MAUST, TIMOTHY LEWIS	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/626,408	Applicant(s) TRZMIEL ET AL.	
	Examiner Timothy L Maust	Art Unit 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/24/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings filed on 7/24/03 are informal, since the letters, numbers and lines are not uniform in nature throughout the Figures.

Claim Objections

Claim 9 is objected to because of the following informality: On line 2, "of" should be - - off - -. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 10 and 13-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruffer et al.

In regard to claims 1, 18 and 19, the Ruffer et al. reference discloses a "storage device" (see Fig. 1) comprising a "housing" 1 provided with a "stainless steel bellows" 3 dividing the interior into a "first chamber" 11 and a "second chamber" 2, as claimed.

In regard to claims 2-4, see "lid" 9, which projects past the bellows.

In regard to claim 5, see "bottom part" 10, as claimed.

In regard to claims 6 and 7 see Figure 1.

In regard to claims 8 and 9, see "pressure connector" 5 and column 3, lines 20-27.

In regard to claim 10, see "filling opening" 8 in Figure 1.

In regard to claims 13-15, see "solid body" 7 in Figure 1.

In regard to claim 17, the "housing" 1 has a "plane bottom" (see Figure 1).

Claims 1-4, 10-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by C.D. Chambers.

In regard to claim 1-4 the Chambers reference discloses a "storage device" (see Fig. 1) comprising a "housing" 10 provided with a "bellows" 40 dividing the interior into a "first chamber" (defined by the space holding product 55) and a "second chamber" 10a, as claimed.

In regard to claim 10, see "opening" 16.

In regard to claims 11 and 12, the "second chamber" 10a is filled with "liquid propellant" and gas.

In regard to claims 13-15, "valve" 24 can be defined as a "solid body" as claimed.

In regard to claim 17, "bottom" 12 is "curved".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruffer et al.

The Ruffer et al. reference discloses the invention substantially as claimed (discussed supra), but does not disclose the bottom wall being "curved". It would have been an obvious matter of design choice to make the bottom wall curved, since applicant has not disclosed that a curved bottom wall rather than a plane bottom wall solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a plane bottom wall.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over C.D. Chambers.

The C.D. Chambers reference discloses the invention substantially as claimed (discussed supra), but does not disclose the bottom wall being "plane". It would have been an obvious matter of design choice to make the bottom wall plane, since applicant has not disclosed that a plane bottom wall rather than a curved bottom wall solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a curved bottom wall.

Art Unit: 3751

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L Maust whose telephone number is (703) 308-3390. The examiner can normally be reached on Tue. - Fri. 6:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (703) 308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy L Maust
Primary Examiner
Art Unit 3751

Tlm
6/30/04